

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROLAND BLACK,) Case No. 18 CV 6518
Plaintiff,) Judge Steven C. Seeger
v.)
THE CITY OF CHICAGO, et al.,)
Defendants.)

FINAL PRETRIAL ORDER

This Order will control the course of the trial and may not be amended except by consent of the parties, or by order of the Court to prevent manifest injustice.

1. Trial Attorneys

For Plaintiff (who will be in attendance):

Michael Persoon (lead trial attorney)
Will Bloom
Despres Schwartz & Geoghegan
77 W. Washington Street
Chicago, IL 60602
mpersoon@dsgchicago.com
(312) 372-2511

Also at counsel table may be: Brendan Morales-Doyle (paralegal)

For Defendants Hernandez and Zermenio (who will be in attendance):

Scott A. Cohen
City of Chicago Department of Law
2 N. LaSalle St., Ste. 420
Chicago, IL 60602
(312) 744-2568
scott.cohen@cityofchicago.org

Cheryl Friedman
City of Chicago Department of Law
2 N. LaSalle St., Ste. 420

Chicago, IL 60602
(312) 744-4038
cheryl.friedman2@cityofchicago.org
Emily Bammel
City of Chicago Department of Law
2 N. LaSalle St., Ste. 420
Chicago, IL 60602
(312) 744-3982
emily.bammel3@cityofchicago.org

2. Jurisdiction

This action is brought pursuant to 42 U.S.C. § 1983 to address alleged deprivations of Plaintiff's constitutional rights. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331.

3. Type and length of trial

Jury trial – 3 days.

4. Claims for Trial

The only remaining claim is Count I (42 U.S.C. § 1983 – Fourth Amendment Wrongful Detention) against Defendants Hernandez and Zermenio.

5. Relief Sought

Plaintiff seeks compensatory and punitive damages related to his detention in connection with an allegedly unlawful arrest. Plaintiff also seeks attorney's fees and costs under 42 U.S.C. § 1988, but that issue does not go to the jury.

6. Case Statement

Plaintiff claims Defendants, Chicago police officers Priscilla Hernandez and Oscar Zermenio, violated his constitutional rights by causing him to be wrongfully detained for a crime he did not commit without probable cause. Defendants deny these allegations.

7. Voir Dire Questions

See Ex. A, attached.

8. Witnesses

Plaintiff's Will-Call

a. Plaintiff Roland Black

- b. Defendant Priscilla Hernandez
- c. Defendant Oscar Zermenio
- d. Plaintiff intends to put in testimony of the City of Chicago by deposition (Tim Moore, 30(b)(6) designee) at the following pages of that deposition: 34:8-35:1 and 39:7-40:16.

Defendants object to the use of this deposition excerpt because it has not been established that this witness is unavailable for trial pursuant to Fed. R. Civ. P. 32(a)(4). Further, this testimony is irrelevant and highly prejudicial. *See* Defendants' Motion *in limine* #1.

Plaintiff's May-Call

- e. Former Chicago Police Superintendent Jody Weis.

Defendants object. *See* Defendants' Motion *in limine* No. 1.

Defense Will-Call

- a. Defendant Priscilla Hernandez
- b. Defendant Oscar Zermenio

Defense May-Call

- c. Officer Milton Waters – Representative from the Chicago Police Department to discuss the Chicago Police Department's practices regarding retention and inventorying of evidence.
- d. Sgt. Scott Stapleton – Representative from the Chicago Police Department to discuss the Chicago Police Department's practices regarding retention of in-car camera and body-camera footage.
- e. Assistant State's Attorney Lorraine Scaduto – Prosecutor present at Plaintiff's bond hearing. Ms. Scaduto will testify concerning the bond set in Plaintiff's case, *People v. Black*, 14CR0358101 / 14110248201, as well as information given to the bond court judge concerning Plaintiff's criminal background.
- f. Assistant State's Attorney Patricia Melin – Prosecutor that will testify concerning the violation of Plaintiff's bond in *People v. Black*, 14CR0358101, on February 12, 2017, after his arrest in an unrelated case.

- g. Assistant State's Attorney Anna Sedelmaier – Prosecutor who will testify concerning her participation in the prosecution of Plaintiff in 14CR0358101 including the August 10, 2017, bench trial, the information and evidence available to her during her involvement with that case, and her training and experience as an attorney and prosecutor.
- h. Regina McGee – Passenger in the car Defendants claim Plaintiff was driving when he crashed the car and fled from police.
- i. Representatives from the Chicago Police Department, Office of Emergency Management & Communications, and/or Department of Streets and Sanitation – to lay foundation for documents not stipulated to.
- j. Representative from the Cook County Clerk of the Circuit Court and/or Cook County State's Attorney's Office - to lay foundation for documents not stipulated to.
- k. Representative from the Illinois Department of Motor Vehicles - to lay foundation for documents not stipulated to.

9. Exhibits

Plaintiff's Exhibits

No.	Date	Description	Objection	Basis
1	1/24/2014	Original Case Report (FCRL 000167-000169)		
2	1/24/2014	Case Supplementary Report(FCRL 000170-000172)		
3	1/27/2014	Investigative Alert (for impeachment / refreshing recollection) (FCRL 000177-000178)		
4	1/24/2014	Traffic Crash Reports (FCRL 000188-193)		
5	1/24/2012	Inventory Reports (FCRL 000198-000201)		

Defendants' Exhibits

No.	Date	Description	Objection	Basis
1	5/15/2019	Certified Statements of Disposition (FCRL 000002-000003)		
2	1/24/14	Traffic ticket + receipt (FCRL 000230-000232)		
3	2/4/2014	Plaintiff's Arrest Report (for impeachment / refreshing recollection) (FCRL 000158-162)		
4	1/24/2014	Original Case Report (for impeachment / refreshing recollection) (FCRL 000167-000169)		
5	1/24/2014	Case Supplementary Report (for impeachment / refreshing recollection) (FCRL 000170-000172)		
6	1/27/2014	Investigative Alert (for impeachment / refreshing recollection) (FCRL 000177-000178)		
7	1/24/2014	Traffic Crash Reports (for impeachment /		

		refreshing recollection) (FCRL 000188- 193)		
8	1/24/2012	Inventory Reports (FCRL 000198-000201)		
9	1/24/2014	Motor Vehicle Inventory Report (FCRL 000203-000205)		
10	2014	2014 Illinois Vehicle Registration (FCRL 000209)		
11	3/11/2014	Charging Documents (FCRL 000283- 291)		
12	2/4/2014	Felony 101 (FCRL 000292)		
13	1/24/2014	Inventory Report (FCRL 007131-007132)		
14	1/24/2016	OEMC Event Query (FCRL 000007135- 007138)		
15	1/24/2014	In-Car Camera Records (FCRL 007143-007148)		
16	2/19/2020	Plaintiff's Interrogatory Answers		
17	9/25/2018	Plaintiff's Complaint		
18		Certified Statement of Conviction/ Disposition – 14110248201 (FCRL 000005)		
19		Certified Statement of Conviction/ Disposition –		

		14CR0358101 (FCRL 000006-000013)		
20		Court File – 14CR0358101 (FCRL 000014-000157)		

10. Undisputed Facts and Evidentiary Stipulations

- a. Defendant Officers Zermenio and Hernandez caused Plaintiff to be arrested.
- b. Plaintiff was detained following his arrest.
- c. Defendant Hernandez testified at Plaintiff's criminal trial.
- d. Defendant Hernandez testified that Plaintiff was the driver of the Buick Regal involved in the traffic stop on January 24, 2014.
- e. Plaintiff was acquitted of the charges against him.

11. Proposed finding and conclusions

N/A

12. Proposed jury instructions, verdict forms, and special interrogatories

See Ex. B, attached.

13. Discovery

The parties state discovery is complete in this matter.

14. Settlement

The parties have engaged in good-faith settlement negotiations throughout this litigation and prior to the filing of this pretrial order and have attempted to achieve an amicable resolution.

/s/ Michael Paul Persoon

Michael Paul Persoon
Despres Schwartz & Geoghegan
77 W. Washington St.
Chicago, IL 60602
(312) 372 – 2511
mpersoon@dsgchicago.com
Attorney for Plaintiff

/s/ Scott A. Cohen

Scott A. Cohen
Cheryl Friedman
Emily Bammel
City of Chicago Department of Law
2 N. LaSalle St., Ste. 420
Chicago, IL 60602
(312) 744-2568
scott.cohen@cityofchicago.org
Attorneys for Defendants